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09/901,610	07/11/2001	Takefumi Nagata	Q65279	3881

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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/901,610

Applicant(s)

NAGATA ET AL

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

1. This office action is in response to the application filed on July 11, 2001, which claims 1-16 are presented for examination.

***Drawings***

2. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

4. The information disclosure statement (IDS) filed on July 11, 2001 complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits. (See attached form).

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***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshima US Patent no. 6,272,470 in view of Sota et al (hereinafter "Sota") US Patent no. 5,911,687.

As to claims 1, Teshima discloses the claimed "client terminals installed in medical facilities and an image database server, the client terminals enabling transmission and reception of sets of medical image data together with accompanying information regarding the sets of medical image data via a public communications networks" as an diagnostic medical imaging modality and electronic clinical recording system (col.6, lines 60-66), an image server for managing information of medical images (col.6, lines 61-63); and "the image database server having function of receiving the sets of medical image data and the accompanying information transmitted from the client terminals via the public communications network" as a means for transferring data in response to a request made by the electronic clinical recording system (col.7, lines 5-6), "storing the sets of medical image data and the accompanying information that have been received" the images produced by the diagnostic medical imaging modality are transferred to the image server (col.7, lines 14-16), "searching for a desired one of the sets of medical image data stored therein by using the accompanying information, and transmitting the set of medical image data" (col.13,

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lines 5-47). Teshima does not explicitly disclose that the medical image is accompanied with data information and inputting the conditions which enable the program to produce into intermediate codes so as to permit the link information to be changed depending on given conditions.

However, Teshima discloses that patient's consultation information is medical image, wherein the each patient's consultation is associated with patient information data and (col.8, line 50-col.9, line 40) and inputting the conditions which enable the program to produce into intermediate codes so as to permit the link information to be changed depending on given conditions (col.11, line 58-col.12, line 10; col.17, lines 5-32).

On the other hand, Sota discloses the use of inputting a desired search condition using a portion of the accompanying information from any one of the client terminals to the image database server, the image database server searches for the set of medical image data corresponding to the search condition and transmits the set of medical image data to the client terminal (col.8, lines 48-56).

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify Teshima's system, wherein the consultation information provided therein (see Teshima's fig.3-4) would incorporate the use of inputting a desired search condition using a portion of the accompanying information from any one of the client terminals to the image database server, the image database server searches for the set of medical image data corresponding to the search condition and transmits the set of medical image data to the client terminal, in conventional manner as described by Sota (col.8, lines 48-56). Such

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a modification would have provided Teshima's the enhanced capability of controlling the dynamics of the interaction between clients and servers, thereby increasing the efficiency of the system.

As to claim 2, Teshima discloses the claimed "the image database server comparing password input from any one of the Client terminals with a password stored in advance, searching for the set of medical image data corresponding to the accompanying information input as the search condition from the client terminal if the passwords match up and transmitting the set of medical data to the client terminal" (col.13, lines 12-16; col.15, lines 12-25).

As to claim 3, Teshima discloses the claimed " wherein the accompanying information includes patient specification information"(col.6, lines 60-66).

As to claims 4-6, Teshima discloses the claimed "wherein the accompanying information includes a combination of facility information and patient specification information"(col.6, lines 60-66).

As to claims 7-10, Teshima discloses the claimed "wherein the patient specification information is encrypted by the medical facilities" (col.12, lines 29-39; col.15, lines 30-47).

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As to claim 11, Teshima discloses the claimed “the image database server having function of receiving the sets of medical image data and the accompanying information transmitted from the client terminals via the public communications network” as a means for transferring data in response to a request made by the electronic clinical recording system (col.7, lines 5-6), “storing the sets of medical image data and the accompanying information that have been received” the images produced by the diagnostic medical imaging modality are transferred to the image server (col.7, lines 14-16), “searching for a desired one of the sets of medical image data stored therein by using the accompanying information, and transmitting the set of medical image data” (col.13, lines 5-47).

As to claim 12, Teshima discloses the claimed “the image database server comparing password input from any one of the Client terminals with a password stored in advance, searching for the set of medical image data corresponding to the accompanying information input as the search condition from the client terminal if the passwords match up” (col.13, lines 12-16; col.15, lines 12-25).

As to claim 13, Teshima discloses the claimed “data transmitting the sets of the medical image data and the accompanying information regarding the sets of medical image data to the image database server via the public communication network” (col.6, lines 60-66). However, Teshima does not explicitly disclose the use of “transmitting the search condition for the desired one of

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the sets of the medical image data stored in the image database server” and “receiving the set of the medical image data corresponding to the search condition”.

Sota discloses the claimed transmitting the search condition for the desired one of the sets of the medical image data stored in the image database server” (col.8, lines 48-56); and “receiving the set of the medical image data corresponding to the search condition”(col.8, lines 48-56).

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify Teshima’s system, wherein the consultation information provided therein (see Teshima’s fig.3-4) would incorporate the use of inputting a desired search condition using a portion of the accompanying information from any one of the client terminals to the image database server, the image database server searches for the set of medical image data corresponding to the search condition and transmits the set of medical image data to the client terminal, in conventional manner as described by Sota (col.8, lines 48-56). Such a modification would have provided Teshima the enhanced capability of controlling the dynamics of the interaction between clients and servers, thereby increasing the efficiency of the system.

As to claim 14, Teshima discloses the claimed “transmitting password to the image database server”(col.13, lines 12-16; col.15, lines 12-25).

As to claims 15-16: the limitations of claims 15-16 have been noted in the rejection of claims 1-14 above. They are, therefore, rejected under the same rationale.



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***Conclusion***

7. Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Kim Vu**, can be reached on (703)305-9343.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks Washington, D.C. 20231**

**or faxed to:**

**(703) 746-7239**, (for formal communications intended for entry)

**Or:**

**(703)746-7240** (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).**



Jean M. Corrielus

Patent Examiner

July 12, 2003